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September 15, 2006

TO: Mail Stop RCE	PHONE #	FAX #
United States Patent and Trademark Office	800.786.9199	571.273.8300

OUR MATTER: P1058US00

YOUR MATTER: 10/762,820

FROM: Stephen J. Perry /ext. 107

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MESSAGE:

Re: U.S. Patent Application No. 10/762,820, Filed January 22, 2004
Title: Mailbox Pooling Pre-empting Criteria

Attached please find the following:

- 1) Request Continued Examination (RCE) Transmittal;
- 2) Credit Card Payment Form;
- 3) Two page Information Disclosure Statement by Applicant forms PTO/SB/08A and PTO/SB/08B;
- 4) Copy of Article by Toshiyuki Mizuyoshi POP & SMTP;
- 5) Copy of Japanese laid-open publication 2002-077227; and
- 6) Statement Under 37 CFR 1.98(a)(3)(i).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : Truyen Huynh
APPLICATION NO. : 10/762,820
TITLE : MAILBOX POOLING PRE-EMPTING CRITERIA

FILING DATE : January 22, 2004
EXAMINER : D'AGOSTA, Stephen M.
GROUP ART UNIT : 2617
ATTORNEY DOCKET NO. : P1058US00
CUSTOMER NO. : 54640
CONFIRMATION NO. : 6113

STATEMENT UNDER 37 CFR 1.98(a)(3)(i)

Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

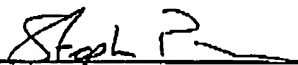
Japanese publication entitled "Pop is Also as Simple as SMTP and Let's Use it Upon Comprehension of the Problems" by Toshiyuki Mizuyoshi, Nikkei Open Systems, 68 ecl., p. 214-225, November 15, 1998, is relevant for disclosing the determination of whether the mail stored in the server is unread by comparing it to the message numbers or sizes and the Message-ID (corresponding to the current pre-emptive criteria in the present application) stored in the mail reader which were obtained from the server

(corresponding to previously stored pre-emptive criteria in the present application). However, there is no teaching or suggestion of updating or not updating of devices based on an output of a determination step (the claimed condition of the current pre-emptive criteria not equaling the previously stored pre-emptive criteria).

The Commissioner is also authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-3750.

Respectfully submitted,

Date: September 15, 2006



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